

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATHANIEL DWAYNE CAETANO,

Plaintiff,

v.

SECURITIES AND EXCHANGE
COMMISSION,

Defendants.

Case No. 1:23-cv-01007-EPG

ORDER TRANSFERRING CASE TO THE
SACRAMENTO DIVISION OF THE
EASTERN DISTRICT OF CALIFORNIA

(ECF No. 1)

Plaintiff Nathaniel Dwayne Caetano, an inmate at California State Prison, proceeds *pro se* in this civil action alleging that the Securities and Exchange Commission has failed to respond to his request for information under the Freedom of Information Act (FOIA). As it appears that this action should have been filed in the Sacramento Division of the United States District Court for the Eastern District of California, the Court will transfer the case to the Sacramento Division.

Regarding venue in FOIA cases, one court has noted as follows:

FOIA contains a specific provision for venue, which allows for venue in four locations: (1) the judicial district where the plaintiff resides, (2) the judicial district where the plaintiff has a principal place of business, (3) the judicial district where the agency records are situated, or (4) the District of Columbia. 5 U.S.C. § 552(a)(4)(B).

Koltys v. Kijakazi, No. 20-CV-08700-SK, 2022 WL 423441, at *3 (N.D. Cal. Jan. 28, 2022).

1 The only apparent basis for venue in the complaint is Plaintiff's residence. Specifically,
2 Plaintiff is confined at California State Prison, which is in Sacramento County. Pursuant to Local
3 Rule 120(d), "[a]ll civil and criminal actions and proceedings of every nature and kind cognizable
4 in the United States District Court for the Eastern District of California arising in . . . Sacramento
5 [County] . . . shall be commenced in the United States District Court sitting [in] Sacramento,
6 California" Accordingly, the complaint should have been filed in the Sacramento Division.

7 Pursuant to Local Rule 120(f), a civil action which has not been commenced in the proper
8 court may, on the Court's own motion, be transferred to the proper Court. Therefore, this action
9 will be transferred to the Sacramento Division. Given the transfer, the Court will not address
10 Plaintiff's pending application to proceed *in forma pauperis*. (ECF No. 2).

11 Good cause appearing, IT IS HEREBY ORDERED that:

- 12 1. This action is transferred to the United States District Court for the Eastern District of
13 California sitting in Sacramento; and
- 14 2. All future filings shall refer to the new Sacramento case number assigned and shall be
15 filed at:

16 United States District Court
17 Eastern District of California
18 501 "I" Street, Suite 4-200
19 Sacramento, CA 95814

20 IT IS SO ORDERED.

21 Dated: July 7, 2023

22 /s/ Eric P. Shoup
23 UNITED STATES MAGISTRATE JUDGE
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